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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**MICHAEL KOS, M.D., A PROFESSIONAL
CORPORATION,**

Plaintiff,

3:17-cv-00217-RCJ-VPC

vs.

ORDER

AETNA HEALTH, INC.,

Defendant.

In accordance with this Court's order of June 14, 2017, Plaintiff Michael Kos, M.D., a Professional Corporation has filed a notice of intent not to amend its Complaint. (Notice, ECF No. 22.) Therefore, consistent with the Court's analysis in its June 14 order, Plaintiff's first through third causes of action are dismissed with prejudice to the extent they assert an entitlement to benefits under the Plan. Plaintiff's remaining claims—including those claims pled within the first through third causes of action which are not preempted by ERISA—are remanded to the Second Judicial District Court of Nevada, Washoe County.

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1 **CONCLUSION**

2 IT IS HEREBY ORDERED that Plaintiff's ERISA-preempted claims are DISMISSED
3 WITH PREJUDICE. (*See* Order 4-7, ECF No. 21.)

4 IT IS FURTHER ORDERED that the Motion to Remand (ECF No. 9) is GRANTED.
5 The case is hereby remanded to the Second Judicial District Court of Nevada, Washoe County,
6 and the Clerk shall close the case.

7 IT IS SO ORDERED.

8 *July 12, 2017.*

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11 ROBERT C. JONES
12 United States District Judge
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